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C O N F I D E N T I A L SECTION 01 OF 03 YEREVAN 000019

SIPDIS

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SUBJECT: ARMENIA MISSES ANOTHER OPPORTUNITY TO IMPROVE  
ELECTIONS

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Classified By: CDA Joseph Pennington, for reasons 1.4 (b,d).

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SUMMARY  
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¶1. (C) In the January 10 by-election, Embassy observers noted widespread intimidation, low-scale violence, and cases where individuals outside the electoral commissions directed the vote process. Although we did not directly observe ballot stuffing, Embassy personnel were present at a polling station where the precinct chair appeared to be openly falsifying the vote. There were numerous instances of journalists, local observers, and proxies being evicted from polling places or being obstructed from monitoring the vote. The CEC chairperson acknowledged to the Embassy the morning after the vote that things had gone "badly." All in all, the rather low-stakes election represented another missed opportunity for Armenia to make progress in its flawed electoral processes, with the average Armenian voter being the main casualty ... yet again. END SUMMARY.

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PRE-ELECTION BACKGROUND  
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¶2. (SBU) The by-election filled the single-district parliamentary seat (the Kentron ward in Yerevan) vacated by Khachatur Sukiasian, a tycoon who fell out of favor with the authorities when he publicly sided with ex-President Levon Ter-Petrossian in the February 2008 presidential election. Sukiasian's extensive business holdings were subsequently targeted by the tax authorities, and some were even expropriated. He went into hiding on March 4, 2008, after the National Assembly (parliament) stripped his parliamentary immunity and that of three other MPs who sided with Ter-Petrossian during the election and the fatal postelection unrest. After 18 months on the run, Sukiasian surrendered to authorities on September 1, 2009, and announced a week later that he would give up his seat to protest the illegal actions of the authorities.

¶3. (SBU) To contest the seat, the opposition Armenian National Congress led by Ter-Petrossian advanced the candidacy of Nikol Pashinian, the outspoken editor-in-chief of an opposition daily who also went into hiding after the 2008 election unrest, only to resurface in July 2009. Pashinian is awaiting a January 19 verdict on charges of attempting to seize power extraconstitutionally, causing mass disorders, and assaulting police officers. It is widely expected that he will be convicted of at least some of these charges, as were many of his opposition colleagues.

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INITIAL ELECTION RESULTS  
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¶4. (SBU) In an election marked by a paltry 24 percent turnout (13,566 out of 55,851 registered voters), Ara Simonian, the obscure pro-government candidate from the National Unity party, netted approximately 58 percent of the vote, beating out the much better-known Pashinian, who won 39 percent. Davit Hakobian, the madcap leader of the Marxist party, received only 2.6 percent. The low voter turnout likely reflected the unusual date of the election -- the final day of Armenia's ten-day New Year's holiday -- the practically invisible campaigns of the three candidates, and the growing cynicism and apathy of Yerevan's long-suffering voters.

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PROBLEMS WITH ELECTION  
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¶5. (SBU) Based on the Embassy's observation of the vote and vote count by its ten two-person teams, intimidation and threats by pro-government forces, low-scale violence, and the running of some polling stations by pro-government forces (not the polling station commissions) appeared to be the worst problems. We heard, but did not observe directly, several reports of ballot stuffing throughout the vote and vote count.

¶6. (SBU) Tension and intimidation tactics were on full display at many of Kentron's 34 precincts. Our observers noted intimidation of journalists, opposition proxies, local observers, and two of our own teams by proxies loyal to pro-government candidate Ara Simonian, local "observers" clearly working for Simonian inside the polling stations and, in some cases, polling station commission members themselves. Most of this intimidation was verbal (with one proxy threatening to rape a female journalist covering the vote),

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but some was also physical.

¶7. (SBU) Early in the day, a prominent -- and perhaps overly aggressive -- photojournalist was physically accosted and thrown out of a polling station on the specious grounds that he did not possess appropriate accreditation. Small-scale fisticuffs broke out a couple of times in front of our observers, again normally instigated by pro-government forces trying to impede monitoring of the vote by the media, observers, and proxies loyal to Pashinian. At one polling station, Petros Makeyan, a leader of an opposition party and former political detainee from the disputed 2008 presidential election, had his nose broken when 30 pro-government thugs reportedly beat him, his son, and an associate outside a polling station. (Police would later characterize Makeyan as the instigator.)

¶8. (SBU) Most disturbing was the running of some polling precincts by pro-government vote-fixers -either unaccredited individuals or thick-necked men presenting themselves as local "observers" -- instead of the precinct electoral commission. One of them attempted to intimidate journalists, observers, opposition proxies, and two of our teams.

¶9. (SBU) At one of the most problematic precincts, Embassy observers who responded to a tip-off of imminent vote-rigging observed the closure of a polling place for one hour by a polling place chairman who alleged that the two voters' lists, the ballot envelope stamp, and ballots had been stolen. He subsequently kicked out everybody, except for two journalists who refused to leave, and locked the doors. After the Embassy phoned the Central Electoral Commission to report the situation, the CEC's Secretary (third in command at the CEC) arrived to investigate. When the doors were reopened, the precinct chairperson reported that no theft had occurred, and that he had merely placed the ballots in a safe for safe-keeping out of fear of a theft. At this time, observers saw the chairperson sneak one of the missing voters' lists

out of his coat and into the safe where he maintained it had been all along.

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CEC CHAIPERSON'S PLAINTIVE TELEPHONE CALL  
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¶10. (C) Early on January 11, Garegin Azarian, the Chairperson of the Central Electoral Commission, telephoned the Embassy to obtain our initial reaction to the vote before he reported to President Sargsian. He acknowledged up front that the election had gone "badly," which we agreed was the case. Azarian complained, "I know all these problems, but I can't control what happens" on Election Day. He blamed the "human factor" for the problems: "I see the problems, but I cannot solve them." He further lamented that "polling place chairpersons do not listen to me." When we complained about the media, local observers and opposition proxies being evicted from polling places, or having their activities circumscribed by polling place administration or unidentified individuals, he responded that "the media are very provocative." Azarian said he planned to request the invalidation of the vote at two of the most egregious polling stations.

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POST-ELECTION FALL-OUT  
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¶11. (SBU) The Armenian National Congress, of which Pashinian is a senior member, immediately rejected the election results as fraudulent and announced it would challenge them in court. At the same time, however, the ANC touted Pashinian's respectable showing as testament to the ANC's "strength and growing authority." ANC officials told the British Deputy Head of Mission after the vote that Pashinian's 38 percent finish pleasantly exceeded their pre-election projection of 30 percent. After the election, Pashinian issued a statement from his prison cell acknowledging the "disappointment" of ANC activists and other supporters with the "fraudulent" vote; he urged them, however, not to "despair" and to continue to fight for leadership change.

¶12. (SBU) The Charge paid a call January 12 on Vigen Sargsian, the President's Deputy Chief of Staff, where he shared the Embassy's impressions of the election and its intention to issue a statement expressing its concerns over its conduct. The Charge urged the Presidency to support the invalidation of the most problematic precincts, ensure credible recounts, and consider re-running some of the precinct votes. Sargsian (no relation to the President) took the Charge's observations under advisement, but urged the

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Embassy to exercise caution with its statement.

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THE MERITS OF OBSERVING ELECTIONS/USG GRANTEES  
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¶13. (SBU) An unscientific analysis of the vote counts at the 34 polling places indicated that some of the closest races were those where we circulated our ten observers most frequently during the day, and some of the least close races -- in favor of Simonian, often at a 2-to-1 margin -- occurred at places where observers visited less frequently. Throughout the day, citizens observing the vote thanked Embassy observers for monitoring the election, asserting that our presence was helping to deter vote fraud. At one vote count, a female proxy for the opposition effusively thanked the observer and her FSN for coming to her precinct to observe the vote, and then taunted the pro-government proxy whom she alleged hit her on the head during the day to try it again in front of the Embassy observers. The Embassy also noted that the most thorough reporting and observation of the election was carried out by several current USG grantees -- the Hetq

online news agency, the independent A1Plus online news outlet, and two human rights NGOs -- the Helsinki Association and the Helsinki Citizens Assembly of Vanadzor.

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POST'S ASSESSMENT  
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¶14. (SBU) Given the lingering effects of the disputed 2008 presidential election and the authorities' continuing repression of the opposition, we would have been surprised had Pashinian won any election. What stretches credulity, however, is that Pashinian lost so resoundingly to such an obscure figure as Simonian, who has essentially no name recognition in Armenia's personality-driven political establishment and does not even hail from any of the three parties of the ruling coalition. Indeed, while Pashinian has captured headlines -- and arguably much sympathy -for two years, Simonian has been invisible. At the January 8 pre-election rally that ANC and Ter-Petrossian held for Pashinian, ANC contacts and independent observers predicted to us they would nonetheless lose the election, mainly because of vote fraud planned by the authorities. A former NDI employee told us that "Armenian politics are littered with numerous examples where politically connected, corrupt nobodies beat honest, well-known figures."

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COMMENT  
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¶15. (C) Although the election suffered from a regrettably low voter turn-out, it nevertheless could have been an opportunity for Armenian authorities to show progress in their flawed electoral processes. Our pre-election entreaties to the authorities to exploit this low-stakes poll to conduct a free and fair poll apparently fell on deaf ears. Some habits here truly die hard, and unfortunately electoral fraud is one, with its main casualty once again the hapless Armenian voter. In spite of this disappointment, we will continue to engage officials on the importance of electoral reform, and hope to use the upcoming lull in the election cycle (until the next parliamentary elections in May, 2012) to generate genuine and substantive action on this front.

PENNINGTON